

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, (954) 797-1101

**SUBJECT:** Quasi Judicial Hearing: Variance

**TITLE OF AGENDA ITEM:**

V 2-1-01 C. William Laystrom, petitioner/Willow Acquisitions, L.L.C., Owner - 15700 Pointe West Drive/Generally located on the north side of Griffin Road, between Weston Road and I-75.

**REPORT IN BRIEF:**

The petitioner is proposing to develop an automobile dealership on 8.92 acres (388,966 net square feet) providing for a 54,702 square foot 2-story main office and showroom building together with 1-story ancillary structures. The remaining area is comprised of drive aisles, open air vehicle storage area, new and used vehicle display areas and landscaping.

In order to achieve the desired building design together with Honda Corporation's required building specifications, requirements for vehicle storage and maximization of the vehicle display areas, the petitioner is requesting to reduce the width of four landscape medians for double parking from 10 to 0 feet, and to reduce the width of one terminal island from 10 to 6.92 feet.

**PREVIOUS ACTION:** None

**CONCURRENCES:**

- The Planning and Zoning Board deferred consideration of this item to its April 11, 2001 meeting (motion carried: 5-0, March 28, 2001).
- The Planning and Zoning Board recommended approval of the variance subject to and conditioned upon the applicant providing a covenant running with the land that they would maintain Royal palm trees according to a map exhibit described as L-1-05 project Rick Case Honda Master Landscape Plan, Davie Commerce Center, of which a reduced copy would be provided to the Town Clerk to be marked as an exhibit, and that would consist of no less than 54 Royal palm trees running along the area that was depicted on the map; with a further covenant running with the land that those palm trees would be maintained by the property owner who was seeking the variance; that the petitioner has agreed to submit the approval letter from the South Florida Water Management District; and that the petitioner would work with staff to determine the height of the Royal palm trees. (motion carried: 5-0, March 28, 2001).
- The Planning and Zoning Board recommended approval of the revised South Florida Water management District Landscape Plan, subject to all the conditions as approved last time, with the one change being in the number of Royal palms (being 14). (Motion carried 5-0, April 25, 2001).

**FISCAL IMPACT:** Not Applicable

**RECOMMENDATION(S):** Motion to recommend denial.

**Attachment(s):** Planning Report, Requested Variances, Justification Letter, Proposed Site Layout Plan, Revised SFWMD Landscape Plan, Land Use Map, Subject Site Map, and Aerial.

**Application #: V 2-1-01**

**Revisions: April 18, 2001**

**Exhibit "A":**

**Original Report Date: 3/14/01**

**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

**APPLICANT INFORMATION**

**Owner:**

**Name:** Willow Acquisitions, LLC  
**Address:** 875 N. St. Rd. 7  
**City:** Plantation, FL 33317  
**Phone:** (954) 234-1022

**Agent:**

**Name:** C. William Laystrom  
**Address:** 1177 SE 3 Avenue  
**City:** Ft. Lauderdale, FL 33316  
**Phone:** (954) 762-3400

**BACKGROUND INFORMATION**

**Notification Date:** March 21, 2001      **Number of Notifications:** 7

**Application History:** At the Planning and Zoning Board meeting of March 28th, the SFWMD right-of-way landscaping plan was an element of the Board's consideration in making a motion. The applicant has since revised the landscape plan, and therefore has requested that the new landscape plan be presented to the Planning and Zoning Board for re-consideration at the April 25, 2001 meeting. Previously, this application was deferred from the March 28, 2001 Planning and Zoning Board meeting and the April 4, 2001 Town Council meeting.

**Application Requests:** (1) **From:** Section 12-108(C)(4) which requires all landscape median islands between double parking to have a minimum width of 10 feet; **to:** reduce the width of four landscape medians in between double rows of parking from 10 to 0 feet. (2) **From:** Section 12-108(C)(2) which requires terminal islands to have a minimum width of 10 feet; **to:** reduce one terminal island width from 10 to 6.92 feet.

**Address/Location:** 15700 Pointe West Drive/Generally located on the north side of Griffin Road, between Weston Road and I-75.

**Future Land Plan Use Designation:** Commercial

**Zoning:** BP, Business Park District

**Existing Use:** Vacant land

**Proposed Use:** Proposed for construction is a 60,000 square foot automobile dealership.

**Parcel Size:** 8.92 acres (388,966 square feet)

**Surrounding Land Use:**

**North:** Lake and vacant parcel  
**South:** Lake, vacant land and FPL  
substation  
**East:** Vacant land and I-75  
**West:** Pointe West Drive and Martin  
Square Shopping Center

**Land Use Designation:**

**North:** Commercial  
**South:** Commercial  
  
**East:** Transportation  
**West:** Commercial

**Surrounding Zoning:**

**North:** BP, Business Park District  
**South:** BP, Business park District  
**East:** T, Transportation District  
**West:** BP, Business Park District

## **ZONING HISTORY**

**Related Zoning History:** This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

**Previous Request on same property:** The subject plat was recorded by Broward County on October 30, 1997, Plat Book 163, Page 45 of the Broward County records.

On October 4, 2000, Town Council approved plat amendment DG 8-2-00 amending the restrictive note to provide for a 57,338 square foot decrease of commercial use and to also provide for 60,000 square feet of auto dealership for lands within the “ICW South Plat”.

On November 2, 2000, Town Council approved a special permit allowing the filling of a lake with material obtained from off-premises in excess of 3,000 cubic yards.

On November 15, 2000, Town Council approved Ordinance No. 2000-37 which allowed the vacation of portions of road right-of-way, utility easements together with lake bank and lake maintenance easements.

On January 3, 2001, Town Council approved Ordinance No. 2001-8 which rezoned the subject site from BP, Business Park District to BP, Business Park District amending the approved conceptual master plan.

## **DEVELOPMENT PLAN DETAILS**

The subject site is part of the “ICW South Plat” and the “Davie Center Master Plan” consisting of Martin Square Shopping Center with three (3) out-parcels and the

proposed Rick Case Honda Dealership. The “Davie Center Master Plan” provides for 20% open space which is owned and maintained as common open space by a master association, while each individual parcel is required to provide 10% open space to complete the 30% overall open space required by code. The preliminary site plan for “Rick Case Honda” reflects that the applicant meets the 10% open space required for the individual parcel.

It is noted that the code does not allow the applicant to count any of the areas which were provided to meet the master plan common area open space requirements, nor any areas outside the limits of the site, toward meeting the subject parcels internal landscape requirements.

The petitioner is proposing to develop an automobile dealership on 8.92 acres (388,966 net square feet) providing for a 54,702 square foot 2-story main office and showroom building together with 1-story ancillary structures. The remaining area is comprised of drive aisles, open air vehicle storage area, and landscaping.

Of the proposed site area, 265,102 square feet is devoted to vehicular use areas constituting 68% of the site area. The total landscaped area provided by the applicant is 78,002 square feet which constitutes 20% of the site area. The landscape code requires that 15% of vehicular use area must be provided in interior parking lot landscaping in the amount of 39,765 square feet and which has been met on the preliminary site plan.

The petitioner also proposes to landscape a recreational trail to be located outside the limits of the site adjacent to SFWMD canal and has received the approval from the drainage district.

### **Applicable Codes and Ordinances**

Section 12-108(C)(4) which requires all landscape median islands between double parking to have a minimum width of 10 feet.

Section 12-108(C)(2) which requires terminal islands to have a minimum width of 10 feet.

### **Comprehensive Plan Considerations**

**Planning Area:** The subject site is in Planning Area 1, which constitutes the southwestern

most portions of the Town, encompassing all the land north and south of Griffin Road and west of SW 148 Avenue. This planning area is bisected by I-75 which is accessed by Griffin Road and Stirling Road. Over 100 acres at the northwest intersection of I-75 and Orange Drive are planned for business park development, known as ICW West.

## **Broward County Comprehensive Plan Considerations**

This property falls within Flexibility Zone 113. The subject site is a portion of platted property which has met the concurrency requirements and is in compliance with all restrictions of the approved plat. Therefore, concurrency is unaffected by the proposed petition.

## **Staff Analysis**

The petitioner indicates that the configuration of the site makes it difficult to design and still meet the landscape requirements of the code. Although the site configuration is unusual, the property is developable with a wide range of uses without the need for variances. Honda's specifications alone do not constitute justification of a variance. Honda Corporation's required building specifications, requirements for vehicle storage and maximization of the vehicle display areas are a direct cause of the variances being requested. Therefore, staff would consider any hardship to be self created.

## **Findings of Fact**

### **Variances: Section 12-309(B)(1):**

**Variances** 1. To reduce the landscape median width for double parking from 10 to 0 feet.  
2. To reduce the terminal island width from 10 to 6.92 feet.

(a) There are not special circumstances and conditions applying to the land and building for which the variances are sought which are peculiar to such land or building and do not apply generally to land or buildings in the same district; any circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought; the alleged hardship is self-created by any person having an interest in the property;

(b) The granting of the variances are not necessary for the reasonable use of the land or building;

(c) Granting of the requested variances are in harmony with the general purpose and intent of this chapter, and are not injurious to the neighborhood or otherwise detrimental to the public welfare.

*Interior parking lot landscaping exceeds the Town's landscape requirements.*

The applicant agreed to landscape the area adjacent to the South Florida Water Management District right-of-way along the outside perimeter of the subject site, ~~including the perimeter adjacent to the lake immediately north of the subject site.~~ (This is language stricken due to change in the landscape plan proposed subsequent to Planing and Zoning Board consideration) It is also noted South Florida Water Management has approved the landscape plan for these areas, as these areas are adjacent to their canal. The applicant has not supplied this plan to staff.

### **Staff Recommendation**

**Recommendation:** Based upon the above and the overall findings of fact in the negative, staff recommends **denial** of the variance requests, noting that Council may wish to take into consideration mitigating factors as identified under review criteria “c” above.

### **Planning and Zoning Board**

**PLANNING AND ZONING BOARD RECOMMENDATION:** The Planning and Zoning Board recommended approval of the variance subject to and conditioned upon the applicant providing a covenant running with the land that they would maintain Royal palm trees according to a map exhibit described as L-1-05 project Rick Case Honda Master Landscape Plan, Davie Commerce Center, of which a reduced copy would be provided to the Town Clerk to be marked as an exhibit, and that would consist of no less than 54 Royal palm trees running along the area that was depicted on the map; with a further covenant running with the land that those palm trees would be maintained by the property owner who was seeking the variance; that the petitioner has agreed to submit the approval letter from the South Florida Water Management District; and that the petitioner would work with staff to determine the height of the Royal palm trees. (motion carried: 5-0, March 28, 2001)

### **Planning and Zoning Board**

**PLANNING AND ZONING BOARD RECOMMENDATION:** Approval of the revised South Florida Water management District Landscape Plan, subject to all the conditions as approved last time, with the one change being in the number of Royal palms (being 14). (Motion carried 5-0, April 25, 2001).

### **Exhibits**

Requested Variances, Justification Letter, Proposed Site Layout Plan, Revised SFWMD Landscape Plan, Land Use Map, Subject Site Map, and Aerial.

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

EXHIBIT AVARIANCES REQUESTED BY RICK CASE HONDA

1. Variance from Town Code Section 12-108(c)(4) to allow head to head parking without median islands for parking spaces 123 to 134, 140 to 172, 192 to 207 and 208 to 225 where 10' is required.
2. Variance from Town Code Section 12-108(c)(2) to allow terminal islands at the end of parking area to have 6.92' of landscaping between parking and pavement where 10' is required.

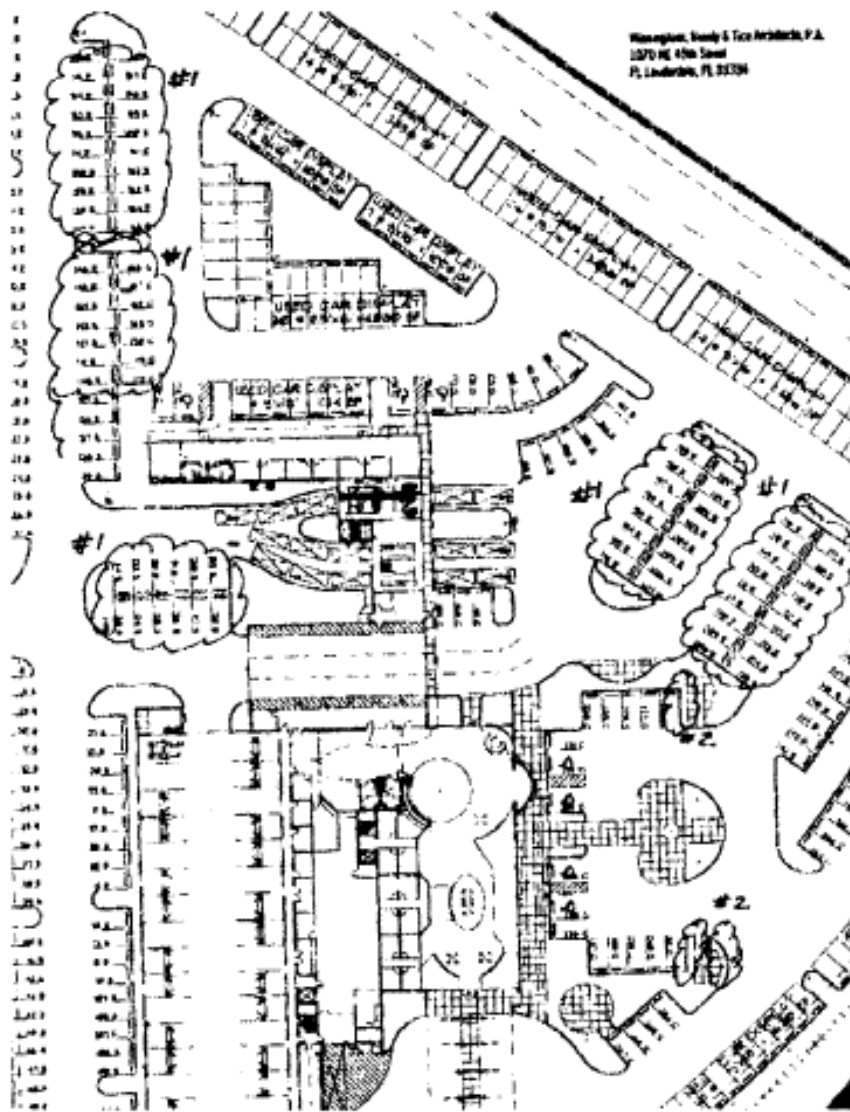
## EXHIBIT B

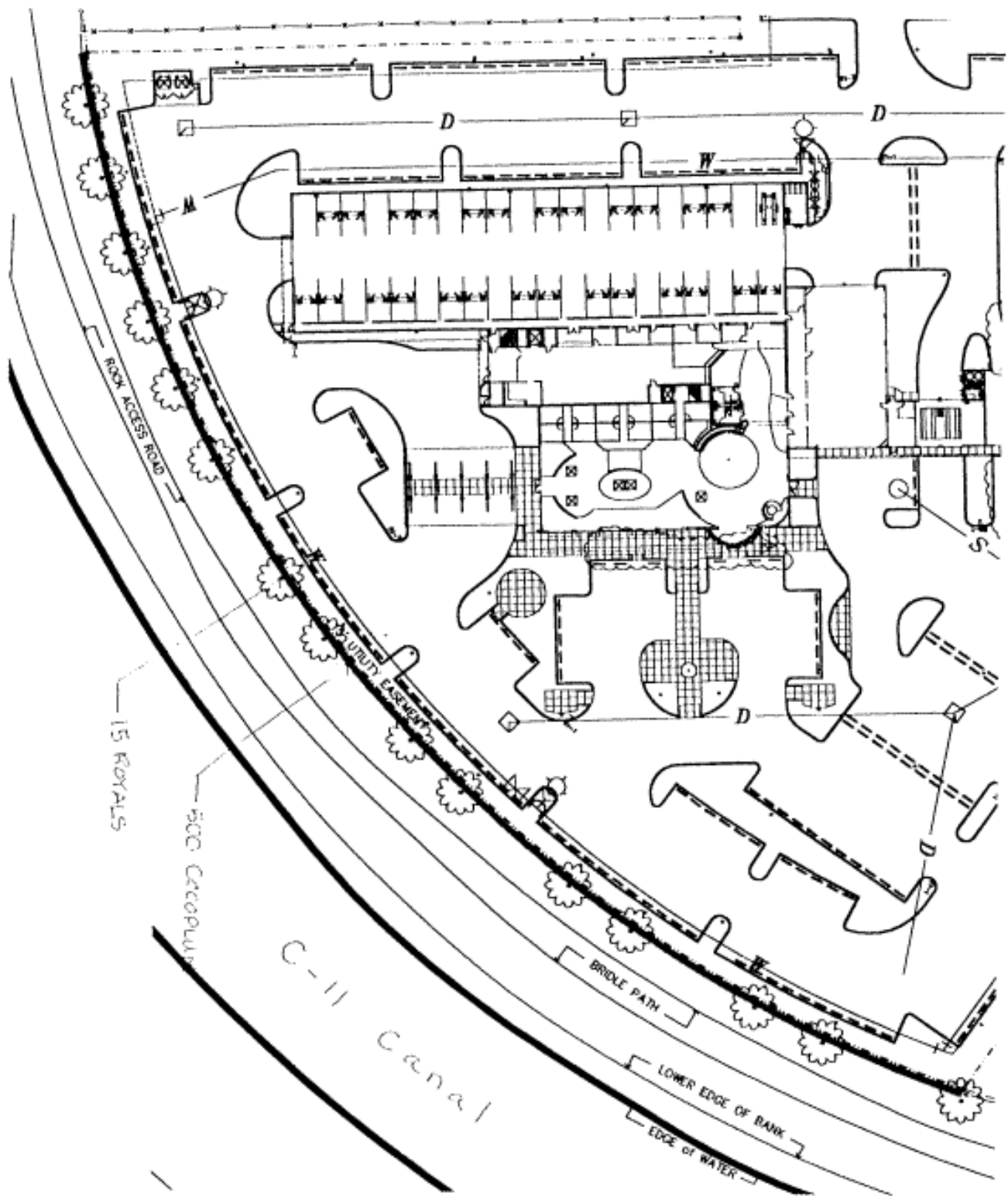
### JUSTIFICATION FOR VARIANCE REQUESTS

- A) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;
1. The layout of the Rick Case Honda parking area provides for greater green areas on head to head parking on the parking islands on either side of these spaces. The on-site total green area is still at or over Town requirements.
  2. The display area is in the center of the site and is intended to allow customers to access the displayed vehicles. These areas will showcase vehicles for sale and tucked into the center of the site. The 10' landscaping intended to buffer buildings and parking spaces. Such a buffer is unnecessary in the display area.
- B) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;
1. Because of the triangular shape of the property some parking islands exceed code while these 3 rows are head to head.
  2. The nature of automobile display is to allow easy access by customers. Rick Case Honda has provided additional landscaping areas throughout the site to comply with Town Code requirements.
- C) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

1. The intent of the Chapter is to provide adequate green area within the parking lot areas. Rick Case meets the green area requirements because other adjacent parking islands exceed the code requirement. Parking stops will prevent vehicles from coming into contact with each other.
2. The purpose is to provide buffering. In this case buffering has been moved to the perimeter of the site.

Wilmington, Bundy & Tice Architects, P.A.  
1270 NE 4th Street  
Ft. Lauderdale, FL 33304





SHEET L-1 OF 1	DATE 10/10/00	DRAWN BY J. L. L.	PROJECT NO. 20-000	SCALE 1"=10'	PROJECT RICK GAGE HONDA	DATE 10/10/00	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA	PROJECT RICK GAGE HONDA
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LANDSCAPE ARCHITECT'S  
 COLLEGIATE  
 4801 N. 10TH AVE. SUITE 100  
 DENVER, CO 80212-1000  
 PHONE: 303.733.1100  
 FAX: 303.733.1101  
 WWW: WWW.LANDSCAPEARCHITECTS.COM

WESTON ROAD

COMMERCIAL

RESIDENTIAL  
1 DU/AC

TRANSPORTATION

I-75

SUBJECT SITE

S. New River Canal

RECREATION / OPEN SPACE

Griffin Rd.

Town Boundary

PETITION NUMBER

V 2-1-01

Subject Site Area  
Future Land Use Plan

N

4

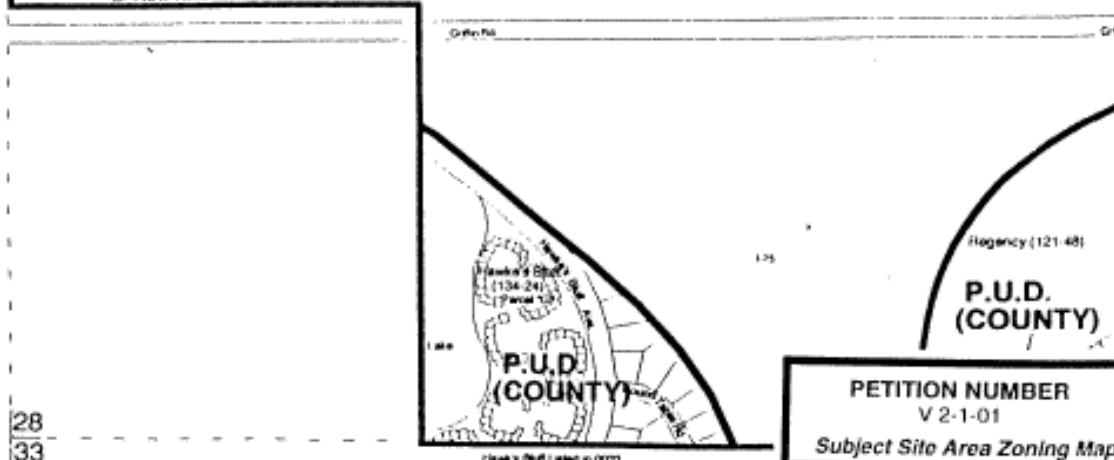
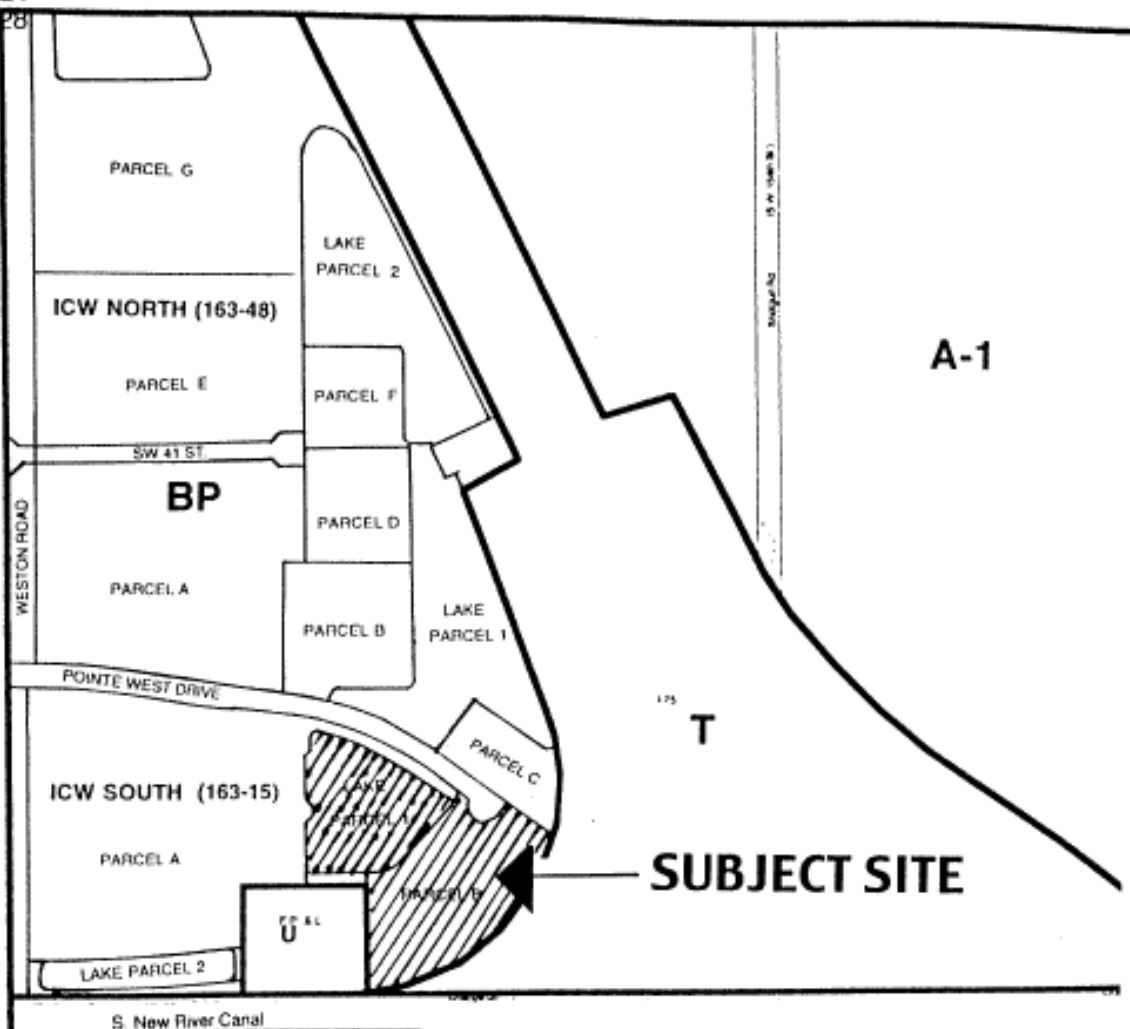
PREPARED 2/21/01

Scale: 1"=400'

BY THE PLANNING &  
ZONING DIVISION

21

28



28

33

PETITION NUMBER V 2-1-01		N ▲
Subject Site Area Zoning Map		
PREPARED 2/21/01 BY THE PLANNING & ZONING DIVISION		Scale: 1"=400'

